

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

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In The Matter of Charges and )  
Complaint Against )  
KEVIN C. PETERSEN, M.D., )  
Respondent. )

Case No. 12-19611-1

FILED

JUL 10 2012

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: \_\_\_\_\_

COMPLAINT

The Investigative Committee ("IC") of the Nevada State Board of Medical Examiners ("Board"), comprised of, at the time of authorizing the filing of this Complaint, Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, M.D., Member, by and through its counsel, Bradley O. Van Ry, Esq., Board Deputy General Counsel, having a reasonable basis to believe that Kevin C. Petersen, M.D., hereinafter referred to as "Respondent," has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630, hereby issues its formal Complaint, stating the IC's charges and allegations, as follows:

1. Respondent is currently licensed in active status (License No. 9665), and he has been so licensed since December 15, 2000, by the Nevada State Board of Medical Examiners pursuant to the provisions of NRS Chapter 630.

2. The true identity of any patients referenced herein has not been disclosed to protect their privacy, but their identities are disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. From April 4, 2008, to February 16, 2011, Respondent performed hernia repair surgeries without utilizing the modern tension-free mesh repair on ten (10) patients, Patients A-J.

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Respondent utilized an antiquated and outdated method of repair for all these hernias. That method of repair leads to a documented high recurrence rate of over 20%.

4. Respondent also poorly documented physical examinations of these ten (10) patients and drafted inadequate histories as indicated by the applicable medical records.

**Count I**

**(Malpractice)**

**(Ten Counts)**

5. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

6. Nevada Administrative Code (NAC) 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

7. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

8. Respondent's care and treatment of the ten (10) patients, Patients A-J, as indicated above, shows a failure to use reasonable care, skill, or knowledge ordinarily used under similar circumstances by failing to utilize the modern tension-free mesh on any of the patients' hernia repairs.

9. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

**Count II**

10. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

11. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.

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12. Respondent's aforementioned incomplete documentation of patient histories and patient physical examinations constitutes the failure to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patients A-J.

13. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

**Count III**

14. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

15. NRS 630.306(7) provides that the continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field is grounds for discipline.

16. Respondent continually failed to exercise the skill or diligence or use the methods ordinarily exercised by physicians in good standing practicing in the same specialty or field in his care and treatment of the aforementioned ten (10) patients, Patients A-J, by not adhering to the modern standard of care when failing to utilize the modern tension-free mesh for hernia repair.

17. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

**WHEREFORE**, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against him and give him notice that he may file an answer to the formal Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the formal Complaint;

2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Nevada State Board of Medical Examiners determine what sanctions it will impose if it determines there has been a violation or violations of the Medical Practice Act (NRS Chapter 630) committed by Respondent;

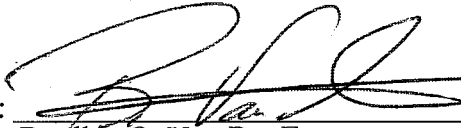
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1           4.       That the Nevada State Board of Medical Examiners make, issue and serve on  
2 Respondent its findings of fact, conclusions of law and order, in writing, that includes the  
3 sanctions imposed; and,

4           5.       That the Nevada State Board of Medical Examiners take such other and further  
5 action as may be just and proper in these premises.

6           DATED this 10<sup>th</sup> day of July, 2012.

7                               INVESTIGATIVE COMMITTEE OF THE  
8                               NEVADA STATE BOARD OF MEDICAL EXAMINERS

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10           By:   
11               Bradley O. Van Ry, Esq.  
12               Deputy General Counsel  
13               Attorney for the Investigative Committee  
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VERIFICATION

STATE OF NEVADA            )  
                                      : ss.  
COUNTY OF CLARK        )

Benjamin J. Rodriguez, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the formal Complaint against the Respondent herein; that he has read the foregoing formal Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing formal Complaint against Respondent are true, accurate and correct.

Dated this 10<sup>th</sup> day of July, 2012.

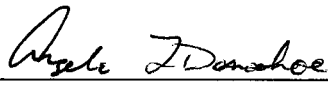
  
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BENJAMIN J. RODRIGUEZ, M.D.

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 10<sup>th</sup> day of July 2012; I served a filed copy of the Complaint, Patient Designation & Fingerprint information via USPS e-certified mail return receipt to the following:

Kevin C. Petersen, M.D.  
653 N. Town Center Dr. #314  
Las Vegas, NV 89144

Dated this 10<sup>th</sup> day of July 2012.

  
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Angelia L. Donohoe  
Legal Assistant